

REMARKS

Regarding Information Disclosure Statement

The Examiner has not considered the Information Disclosure Statement (IDS) submitted with one hundred and eighty dollars (\$180.00) fees on 09/25/2003. The IDS as filed included the required Form-1449 (a list of all patents, publications, or other information). For the Examiner's convenience, a duplicate copy of the IDS (one page of fee transmittal, two pages of statement, and one page of Form-1449) is attached to this Reply. Since this is a duplicate of what has been submitted with fees, no additional fees should apply. Kindly consider the references listed on the Form-1449 and returns a copy of the Form-1449 with initials.

Regarding Claim Amendments

The applicant who is seeking to define his or her invention in claims that will give him or her the patent protection to which he or she is justly entitled should receive the cooperation of the examiner to that end, and not be prematurely cut off in the prosecution of his or her application (MPEP 706.07).

The Examiner finally rejected all pending claims as being clearly anticipated by Hatlelid et al. (U.S. Pat. No. 6,522,333, hereinafter Hatlelid) under 35 USC § 102(e). Applicant respectfully disagree. All of the reasons why Hatlelid, and other cited references, fails to anticipate or suggest the claimed invention have been thoroughly discussed with detailed examples in the previous Reply, which is hereby incorporated in its entirety.

The purpose of this Reply is not to reiterate arguments but to propose claim amendments that explicitly define claim terms in accordance with the teaching of the invention, thereby placing the present application in a condition for allowance.

Before discussing the claim amendments, however, Applicant would like to note that the Examiner has explicitly stated in the Office Action on page 18, paragraph 5, that Hatlelid

“has clearly disclosed and thus being the main purpose of the invention, that the visual representations are computer controlled agents, wherein these agents are controlled based on a set of characteristics within an application, and where the purpose of the invention is to ensure that these visual representations have their own personality of behavior (column 2, lines 10-30).”

If this statement were true, then Hatlelid would read on Applicant's own prior patent, U.S. Patent No. 6,031,549, entitled “SYSTEM AND METHOD FOR DIRECTED IMPROVISATION BY COMPUTER CONTROLLED CHARACTERS,” filed June 11, 1997, which is a continuation-in-part of application No. 08/504,167, filed July 19, 1995, both of which are referenced in the present application.

Applicant respectfully maintains that **Hatlelid's “visual representations” are NOT computer controlled agents within the scope of the present invention**, that **Halelid does not enable a user to “author content of a computer-controlled agent” within the scope of the present invention**, and that Halelid does not teach or disclose an invention identical to the present invention as taught in the specification and set forth in the claims.

From the Examiner's responses on pages 18-19 of the Office Action, it appears that the Examiner still interprets many of the claim terms outside the scope of the application disclosure. Take, for example, the claim term “potential context” is explicitly defined in the specification and NOT a broad term as the Examiner has alleged.

Patent Examiners must rely on the applicant's disclosure to properly determine the meaning of terms used in the claims. Markman v. Westview

Instruments, 52 F.3d 967, 980, 34 USPQ2d 1321, 1330 (Fed. Cir.) (en banc), aff'd, U.S., 116 S. Ct. 1384 (1996) (emphasis added).

An applicant is entitled to be his or her own lexicographer, and in many instances will provide an explicit definition for certain terms used in the claims. **Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim.** Toro Co. v. White Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (emphasis added) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings.").

According to the above-cited case laws, for a 35 U.S.C. § 102 rejection to stand, the single applied prior art reference, as a whole, must teach an invention identical to what is claimed and in as complete detail as is recited in the claims. Moreover, claims must be given their broadest *reasonable* interpretation, not in a lexicographic vacuum, but in light of the supporting disclosure or as defined therein, if explicit definitions are provided.

As pointed out in the previous Reply, the claimed terms “context”, “potential context”, “content”, and “actual context” are explicitly defined on page 5, line 18, through page 6, line 5. As the above cited case laws made clear, **where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim.**

Hatlelid and other cited references do NOT teach or suggest, individually and/or in combination, that a user “takes on a role of author” for authoring content of a computer-controlled agent by:

- a) identifying a potential context of said agent; wherein said context is a combination of a plurality of alternative values for each of a plurality of state variables of said agent, where values of said state variables co-occur, either simultaneously or in sequence,

- during an operation of said agent; and wherein said potential context is one that is identified prior to a particular operation of said agent and that has a potential to occur during said particular operation of said agent;
- b) identifying a content for said agent in said potential context; wherein said content is any information that is usable to control said agent's behavior during operation; and
 - c) correlating said potential context and said content such that, during an operation of said agent, when a value of a state variable in an actual context matches a value of a corresponding state variable in said potential context, said content is accessible and usable by said computer for controlling a behavior of said agent; wherein said actual context is one that does occur during said operation.

It is respectfully submitted that the amendments presented herein place the present application in a condition for allowance without changing the direction of the claims, without affecting the merit of the claims, without raising new issues, and without introducing new matters. **The independent claims 1 and 79 as amended simply made the implicit definitions of "context", "potential context", "content", and "actual context" explicit.**

The autonomous nature of a computer-controlled agent is also made explicit by reciting that the content of a potential context that matches a context actually occurs during operation is accessible and usable by said computer for controlling a behavior of the agent.

The amendments presented herein encompass a bona fide attempt to accelerate prosecution and forward the present application to allowance. To resolve any remaining issues, granting

of the telephonic interview is respectfully requested and much appreciated. The undersigned can be reached directly at 650-331-8413, 10AM-7PM PST, Monday-Friday.

Respectfully submitted,

A handwritten signature in black ink, reading "Katharina Schuster", with a horizontal line underneath.

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